

November 17, 2004

Laurence M. Goodman, Esquire  
Willig, Williams & Davidson  
1845 Walnut Street, 24th Floor  
Philadelphia, PA 19103

Re: Woman's Medical Hospital  
Case 4-RC-20889

Dear Mr. Goodman:

The above-captioned case petitioning for an investigation and certification of representative under Section 9(c) of the National Labor Relations Act, as amended, has been carefully investigated and considered.

As a result of the investigation, I find that further proceedings are not warranted. The petition herein was filed on September 1, 2004 by Pennsylvania Association of Staff Nurses and Allied Professionals (PASNAP), seeking to represent a unit of full time, regular part time and per diem registered nurses employed by Woman's Medical Hospital (Woman's). The investigation disclosed that the employees in the unit sought by PASNAP were previously employed by Medical College of Pennsylvania Hospital (MCP), and that they were covered by a collective bargaining agreement between MCP and OPEIU Healthcare Pennsylvania, Local 112, OPEIU, AFL-CIO (OPEIU), which was effective from November 8, 2003 through November 7, 2005. MCP was sold to Woman's effective September 1, 2004, and the employees of MCP were advised in August 2004 that they would be retained by Woman's. In these circumstances, it was concluded that Woman's is a successor to MCP. *NLRB v. Burns International Security Services, Inc.*, 406 U.S. 272 (1972). On August 31, 2004, Woman's and OPEIU signed a memorandum of understanding in which Woman's recognized OPEIU as the representative of the unit employees and adopted the terms and conditions of the collective bargaining agreement between MCP and OPEIU for the duration of the term of the agreement, ending November 7, 2005. As the memorandum of understanding was signed by both parties prior to the filing of the subject petition, it constitutes a bar to any election herein. *Appalachian Shale Products Company*, 121 NLRB 1160 (1958); see also *Gaylord Broadcasting Co.*, 250 NLRB 198 (1980). Accordingly, I am dismissing the petition in this matter.

Pursuant to the National Labor Relations Board Rules and Regulations, you may obtain a review of this action by filing a request therefore with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, DC 20570, either by mail (eight copies) or by electronic filing through the Agency's website. A copy of the

request for review must be served on each of the other parties to the proceeding, and with the Regional Director either by mail or by electronic filing to Region4@nlrb.gov.<sup>1</sup> This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business on **Wednesday, December 1, 2004**. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail or telegraph.

Very truly yours,

DOROTHY L. MOORE-DUNCAN  
Regional Director

cc:

Lester A. Heltzer, Executive Secretary, NLRB, Washington, DC 20570  
April W. Smith, Director of Organizing, Pennsylvania Association of Staff Nurses and Allied Professionals, 1100 Hector Street, Suite 332, Conshohocken, PA 19428  
Mr. Leo D'Orazio, Woman's Medical Hospital, 3300 Henry Avenue, Philadelphia, PA 19129  
Larry J. Rappoport, Esquire, Stevens & Lee, 620 Freedom Business Center, P.O. Box 62330  
Suite 200, King of Prussia, PA 19406

Michael O. Bodinsky, Executive Director, Office & Professional Employees Healthcare  
Pennsylvania Local 112, AFL-CIO, 5100 Tilghman Street, Suite 365, Allentown, PA 18104  
Samuel L. Spear, Esquire, Spear, Wilderman, Borish, Endy, Spear & Runckel, 230 South Broad  
Street, Suite 1400, Philadelphia, PA 19102

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<sup>1</sup> See OM 04-31, dated February 27, 2004, for a detailed explanation of requirements which must be met when electronically submitting representation case documents to the Board, and OM 04-43, dated March 30, 2004, for requirements when submitting representation case documents to a Region's electronic mailbox. These memoranda are available on the Agency's Web site at [www.nlrb.gov](http://www.nlrb.gov).

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